



3-22. The Examiner stated that “it is not apparent who is evoking and how evoking is performed.” The specification explains that “during the course of processing of an application at a [second computer, e.g., a] client 10, the need arises to ~~evoke~~ invoke a specific object 20 remotely located at the [first computer, e.g., the] server 12.” Page 5 lines 2-3. Upon reconsideration of the claim language, it appears that the term “invoke” is more commonly used in this context than “~~evoke~~.” “invoke” Therefore, the claim and specification are amended accordingly.

The Examiner rejected claims 1, 3-7, 9, 10, and 12 under 35 U.S.C. §112, second paragraph as being indefinite. Each rejection is addressed as follows:

For claim 1, the Examiner found that the phrases “arranging the bids bid values” and “parsing the arranged bid values” lack antecedent basis. The phrase “arranging the bids bid values” is a misprint because the amendment deleted “bids” and added “bid values.” With this clarification, the antecedent basis is straightforward: bid values are generated, then arranged, and then parsed.

For claim 3, the Examiner found that the phrases “the step of setting the bid values for the protocol” and “no other value for the bid is determined” lack antecedent basis. The claim is currently amended to “no other bid value for the protocol is determined.”

For claim 4, the Examiner found that the phrase “the bid value for the protocol” lacks antecedent basis. The typographical error of omitting a space between “value” and “for” in this phrase is now corrected by amendment.

For claim 5, the Examiner found the phrase “the one or more properties to the enabled” lacks antecedent basis. This claim is now changed to “the property to the enabled.”

For claim 6, the Examiner found the phrase “the lowest value bid is the most preferred and the lightest value bid is the least preferred” lacks antecedent basis. This phrase is now amended to “one of the bid values with a lowest value is the most preferred and one of the bid values with a highest value is the least preferred.”

For claim 7, the Examiner found that the phrase “according to the bid values” lacks antecedent basis. The antecedent basis is in claim 1 “generating bid values.” Nevertheless Claim 7 has been amended to state that “the sequence of the bid values is ascending order.”

For claims 9 and 10, the Examiner found that the phrase “the value of the bids falling within” lack antecedent basis. The claims are amended to “the bid values” within a range or ranges.

For claim 12, the Examiner found that the phrase “the bids in any other range” lacks antecedent basis. The claim is amended to “the bid values in the ranges other than the critical range.”

In view of these comments and amendments the Applicants respectfully request that the objections based of 35 U.S.C. §112 be withdrawn.

### **Response to Claim Rejection under 35 USC §102**

The Examiner rejected claims 1-12 under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,633,923 to Kukura, et al. Applicants respectfully traverse this rejection. Kukura discloses a method, in the context of client-server networks, for “creating and managing one or more interceptors,” which are “locality-constrained objects” that are implemented by Object Request Broker (ORB) services. See col. 3, line 59 - col. 4, line 15; col. 6, lines 35-45. Inceptors “provide hooks to programmer to execute their piece of code at certain points during ORB.” Col. 2, lines 22-29. While Kukura elaborates on this method in detail, it acknowledges that communication of objects between the client and server requires the use of the appropriate “specified data communication transport layer protocol,” such as the background section cited by the Examiner. Col. 1, lines 53 - col. 2, line 8. However, referring to the use or necessity of communication protocols is significantly different from the specific method for “selecting one protocol from among a plurality of protocols,” when confronted with a new communication session (i.e., when the object is needed). See e.g., pending claim 1.

Moreover, Kukura describes grouping and managing object adapters, which mediate between an ORB and programming language servants (objects with specific capabilities). See col. 49, line 43 - col. 50, line 58; col. 2, line 43 - col. 3, line 10. This use of object adapters as disclosed in Kukura is not the same as generating bid values, which are used in selecting one from a group of protocols for communication between the two computers, as recited in pending claim 1. To the extent that Kukura discloses managing several transports in a single profile and the conflicts that arise (see, e.g., col. 54, line 10 - col. 55, line 45), this process relates to static information, which is not the same as arranging the bid values, which were just generated when the target object was needed, as recited in pending claim 1. Col. 28, lines 36-62. In Kukura, the “parse\_object\_key\_segment operation” is for decoding and encoding the segment syntax. Col. 28, lines 36-62. Even analyzing the syntax of some segment referenced by Kukura is not the same as parsing the arranged bids as recited in claim 1. In other words Kukura discloses a method for placing transport options into an object profile and the interfaces used to configure the profile to expose the transport options. See Col. 54-55. However, Kukura does not disclose a method for selecting among several transports in a profile as defined by the present claims.

### **Response to Examiner’s Response to Applicant’s Arguments**

The Examiner’s rejection of claims 1-12 under 35 U.S.C. §102(e) or §103 in view of U.S. Patent 6,208,952 to Goertzel, et al., U.S. Patent 6,601,233 to Underwood, or U.S. Patent 6,345,361 to Jerger is repeated from the previous Action. The Examiner stated that the applicant’s arguments filed 6/25/04 were not persuasive because the distinctions from the prior art are not recited in the rejected claims. Applicant respectfully traverses this assessment.

For claim 1, the Examiner stated that “[in] the present invention [] a different selection may be made for each instance of a communication session and ‘selecting from the protocols identified in the object handle’ are not recited in the rejected claim(s).” Action pages 13-14 (emphasis in original). However, claim 1 states that the bid values for selecting a protocol are generated when the object (on the server) is invoked (by the client), which means that a new selection of protocol may be made for each communication session. Claim 1 also states that the

